



General Assembly

January Session, 2009

Amendment

LCO No. 7844

SB0115707844SD0

Offered by:
SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 1157 File No. 678 Cal. No. 472

***"AN ACT CONCERNING FUNDING FOR LEGAL SERVICES AND
JUDICIAL BRANCH TECHNOLOGY."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 Section 1. Section 52-258 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2009*):

5 The jury fee in civil actions shall be [three hundred fifty] four
6 hundred twenty-five dollars to be paid at the time the case is claimed
7 for the jury by the party at whose request the case is placed upon the
8 jury docket. The jury fee shall be taxed in favor of the party paying the
9 jury fee in the bill of costs in the action, if final judgment thereon is
10 rendered in [his] such party's favor.

11 Sec. 2. Section 52-259 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2009*):

13 (a) There shall be paid to the clerks for entering each appeal or writ

14 of error to the Supreme Court, or entering each appeal to the Appellate
15 Court, as the case may be, two hundred fifty dollars, and for each civil
16 cause in the Superior Court, [two] three hundred [twenty-five] dollars,
17 except (1) one hundred [twenty] seventy-five dollars for entering each
18 case in the Superior Court in which the sole claim for relief is damages
19 and the amount, legal interest or property in demand is less than two
20 thousand five hundred dollars and for summary process, landlord and
21 tenant and paternity actions, and (2) there shall be no entry fee for
22 making an application to the Superior Court for relief under section
23 46b-15 or for making an application to modify or extend an order
24 issued pursuant to section 46b-15. If the amount, legal interest or
25 property in demand by the plaintiff is alleged to be less than two
26 thousand five hundred dollars, a new entry fee of seventy-five dollars
27 shall be charged if the plaintiff amends his or her complaint to state
28 that such demand is not less than two thousand five hundred dollars.

29 (b) The fee for the entry of a small claims case shall be [thirty-five]
30 seventy-five dollars. If a motion is filed to transfer a small claims case
31 to the regular docket, the moving party shall pay a fee of [seventy-five]
32 one hundred twenty-five dollars.

33 (c) There shall be paid to the clerk of the Superior Court by any
34 party who requests that a matter be designated as a complex litigation
35 case the sum of [two hundred fifty] three hundred twenty-five dollars,
36 to be paid at the time the request is filed.

37 (d) There shall be paid to the clerk of the Superior Court by any
38 party who requests a finding of fact by a judge of such court to be used
39 on appeal the sum of twenty-five dollars, to be paid at the time the
40 request is filed.

41 (e) There shall be paid to the clerk of the Superior Court a fee of
42 seventy-five dollars for a petition for certification to the Supreme
43 Court and Appellate Court.

44 (f) [Such clerks shall also receive] There shall be paid to the clerk of
45 the Superior Court for receiving and filing an assessment of damages

46 by appraisers of land taken for public use or the appointment of a
47 commissioner of the Superior Court, two dollars; for recording the
48 commission and oath of a notary public or certifying under seal to the
49 official character of any magistrate, ten dollars; for certifying under
50 seal, two dollars; for exemplifying, twenty dollars; for making all
51 necessary records and certificates of naturalization, the fees allowed
52 under the provisions of the United States statutes for such services;
53 and for making copies, one dollar a page.

54 (g) There shall be paid to the clerk of the Superior Court for a copy
55 of a judgment file a fee of twenty-five dollars, inclusive of the fees for
56 certification and copying, for a certified copy and a fee of fifteen
57 dollars, inclusive of the fee for copying, for a copy which is not
58 certified; and for a copy of a certificate of judgment in a foreclosure
59 action, as provided by the rules of practice and procedure, twenty-five
60 dollars, inclusive of the fees for certification and copying.

61 (h) There shall be paid to the clerk of the [court] Superior Court a fee
62 of one hundred seventy-five dollars at the time any application for a
63 prejudgment remedy is filed.

64 (i) A fee of twenty dollars for any check issued to the court in
65 payment of any fee which is returned as uncollectible by the bank on
66 which it is drawn may be imposed.

67 (j) The tax imposed under chapter 219 shall not be imposed upon
68 any fee charged under the provisions of this section.

69 Sec. 3. Section 52-259c of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective July 1, 2009*):

71 (a) There shall be paid to the clerk of the Superior Court upon the
72 filing of any motion to open, set aside, modify or extend any civil
73 judgment rendered in Superior Court a fee of [thirty-five] seventy-five
74 dollars for any housing matter, a fee of [twenty-five] seventy-five
75 dollars for any small claims matter and a fee of [seventy] one hundred
76 twenty-five dollars for any other matter, except no fee shall be paid

77 upon the filing of any motion to open, set aside, modify or extend
78 judgments in juvenile matters or orders issued pursuant to section 46b-
79 15 or upon the filing of any motion pursuant to subsection (b) of
80 section 46b-63. Such fee may be waived by the court.

81 (b) Upon the filing of a motion to open or reargue a judgment in any
82 civil appeal rendered by the Supreme Court or Appellate Court or to
83 reconsider any other civil matter decided in either court, the party
84 filing the motion shall pay a fee of [seventy] one hundred twenty-five
85 dollars.

86 Sec. 4. Subdivisions (1) and (2) of subsection (a) of section 52-356a of
87 the general statutes are repealed and the following is substituted in
88 lieu thereof (*Effective July 1, 2009*):

89 (1) On application of a judgment creditor or [his] a judgment
90 creditor's attorney, stating that a judgment remains unsatisfied and the
91 amount due thereon, and subject to the expiration of any stay of
92 enforcement and expiration of any right of appeal, the clerk of the
93 court in which the money judgment was rendered shall issue an
94 execution pursuant to this section against the nonexempt personal
95 property of the judgment debtor other than debts due from a banking
96 institution or earnings. The application shall be accompanied by a fee
97 of [thirty-five] seventy-five dollars payable to the clerk of the court for
98 the administrative costs of complying with the provisions of this
99 section which fee may be recoverable by the judgment creditor as a
100 taxable cost of the action. In the case of a consumer judgment, the
101 application shall indicate whether, pursuant to an installment payment
102 order under subsection (b) of section 52-356d, the court has entered a
103 stay of execution and, if such a stay was entered, shall contain a
104 statement of the judgment creditor or [his] the judgment creditor's
105 attorney as to the debtor's default on payments. In the case of a
106 judgment arising out of services provided at a hospital, no application
107 shall be made until the court has (A) issued an order for installment
108 payments in accordance with section 52-356d, (B) made a finding that
109 the debtor has defaulted on payments under the order, and (C) lifted

110 the mandatory stay issued under section 52-356d. The court shall make
111 a determination concerning noncompliance or default, and decide
112 whether to modify the installment payment plan, continue the
113 installment payment plan, or lift the stay. The execution shall be
114 directed to any levying officer.

115 (2) The property execution shall require a proper levying officer to
116 enforce the money judgment and shall state the names and last-known
117 addresses of the judgment creditor and judgment debtor, the court in
118 which and the date on which the money judgment was rendered, the
119 original amount of the money judgment and the amount due thereon,
120 and any information which the judgment creditor considers necessary
121 or appropriate to identify the judgment debtor. The property execution
122 shall notify any person served therewith that the judgment debtor's
123 nonexempt personal property is subject to levy, seizure and sale by the
124 levying officer pursuant to the execution and, if the judgment debtor is
125 a natural person, shall be accompanied by a notice of judgment debtor
126 rights as prescribed by section 52-361b and a notice to any third person
127 of the manner, as prescribed by subdivision (4) of this subsection, for
128 complying with the execution.

129 Sec. 5. Subsection (a) of section 52-361a of the general statutes is
130 repealed and the following is substituted in lieu thereof (*Effective July*
131 *1, 2009*):

132 (a) If a judgment debtor fails to comply with an installment
133 payment order, the judgment creditor may apply to the court for a
134 wage execution. The application shall contain the judgment creditor's
135 or [his] the judgment creditor's attorney's statement setting forth the
136 particulars of the installment payment order and of the judgment
137 debtor's failure to comply. The application shall be accompanied by a
138 fee of [thirty-five] seventy-five dollars payable to the clerk of the court
139 for the administrative costs of complying with the provisions of this
140 section which fee may be recoverable by the judgment creditor as a
141 taxable cost of the action.

142 Sec. 6. Subsection (b) of section 52-367a of the general statutes is
143 repealed and the following is substituted in lieu thereof (*Effective July*
144 *1, 2009*):

145 (b) Execution may be granted pursuant to this section against any
146 debts due from any financial institution to a judgment debtor which is
147 not a natural person. If execution is desired against any such debt, the
148 plaintiff requesting the execution shall make application to the clerk of
149 the court. The application shall be accompanied by a fee of [thirty-five]
150 seventy-five dollars payable to the clerk of the court for the
151 administrative costs of complying with the provisions of this section
152 which fee may be recoverable by the judgment creditor as a taxable
153 cost of the action. The clerk shall issue such execution containing a
154 direction that the officer serving such execution shall make demand (1)
155 upon the main office of any financial institution having its main office
156 within the county of the serving officer, or (2) if such main office is not
157 within the serving officer's county and such financial institution has
158 one or more branch offices within such county, upon an employee of
159 such a branch office, such employee and branch office having been
160 designated by the financial institution in accordance with regulations
161 adopted by the Banking Commissioner, in accordance with chapter 54,
162 for the payment of any debt due to the judgment debtor, and, after
163 having made such demand, shall serve a true and attested copy
164 thereof, with the serving officer's actions thereon endorsed, with the
165 financial institution officer upon whom such demand is made. The
166 serving officer shall not serve more than one financial institution
167 execution per judgment debtor at a time, including copies thereof.
168 After service of an execution on one financial institution, the serving
169 officer shall not serve the same execution or a copy thereof upon
170 another financial institution until receiving confirmation from the
171 preceding financial institution that the judgment debtor had
172 insufficient funds at the preceding financial institution available for
173 collection to satisfy the execution. If the serving officer does not receive
174 within twenty-five days of the service of the demand a response from
175 the financial institution that was served indicating whether or not the

176 taxpayer has funds at the financial institution available for collection,
177 the serving officer may assume that sufficient funds are not available
178 for collection and may proceed to serve another financial institution in
179 accordance with this subsection.

180 Sec. 7. Subsection (b) of section 52-367b of the general statutes is
181 repealed and the following is substituted in lieu thereof (*Effective July*
182 *1, 2009*):

183 (b) If execution is desired against any such debt, the plaintiff
184 requesting the execution shall make application to the clerk of the
185 court. The application shall be accompanied by a fee of [thirty-five]
186 seventy-five dollars payable to the clerk of the court for the
187 administrative costs of complying with the provisions of this section
188 which fee may be recoverable by the judgment creditor as a taxable
189 cost of the action. In a IV-D case, the request for execution shall be
190 accompanied by an affidavit signed by the serving officer attesting to
191 an overdue support amount of five hundred dollars or more which
192 accrued after the entry of an initial family support judgment. If the
193 papers are in order, the clerk shall issue such execution containing a
194 direction that the officer serving such execution shall, within seven
195 days from the receipt by the serving officer of such execution, make
196 demand (1) upon the main office of any financial institution having its
197 main office within the county of the serving officer, or (2) if such main
198 office is not within the serving officer's county and such financial
199 institution has one or more branch offices within such county, upon an
200 employee of such a branch office, such employee and branch office
201 having been designated by the financial institution in accordance with
202 regulations adopted by the Banking Commissioner, in accordance with
203 chapter 54, for payment of any such nonexempt debt due to the
204 judgment debtor and, after having made such demand, shall serve a
205 true and attested copy of the execution, together with the affidavit and
206 exemption claim form prescribed by subsection (k) of this section, with
207 the serving officer's actions endorsed thereon, with the financial
208 institution officer upon whom such demand is made. The serving
209 officer shall not serve more than one financial institution execution per

210 judgment debtor at a time, including copies thereof. After service of an
211 execution on one financial institution, the serving officer shall not
212 serve the same execution or a copy thereof upon another financial
213 institution until receiving confirmation from the preceding financial
214 institution that the judgment debtor had insufficient funds at the
215 preceding financial institution available for collection to satisfy the
216 execution, provided any such additional service is made not later than
217 forty-five days from the receipt by the serving officer of such
218 execution.

219 Sec. 8. (NEW) (*Effective July 1, 2009*) The Chief Court Administrator,
220 or a designee, on or before the thirtieth day of January, April, July and
221 October in each year, shall (1) certify the amount of revenue obtained
222 as a result of any fee increase that takes effect July 1, 2009, set forth in
223 section 52-258, 52-259, 52-259c, 52-356a, 52-361a, 52-367a or 52-367b of
224 the general statutes, each as amended by this act, and (2) transfer one-
225 half of such amount to the organization administering the program for
226 the use of interest earned on lawyers' clients' funds account pursuant
227 to section 51-81c of the general statutes, for the purposes of funding
228 the delivery of legal services to the poor, and shall deposit the other
229 half of such amount in the Judicial Data Processing Revolving Fund
230 established in section 51-5b of the general statutes, as amended by this
231 act, for the purpose of maintaining and improving any informational
232 data processing system operated by the Judicial Department.

233 Sec. 9. Section 51-5b of the general statutes is repealed and the
234 following is substituted in lieu thereof (*Effective July 1, 2009*):

235 (a) The Chief Court Administrator [is authorized to] shall establish
236 and administer a fund to be known as the Judicial Data Processing
237 Revolving Fund which shall be used for the purpose of maintaining
238 and improving any informational data processing system operated by
239 the Judicial Department. The Chief Court Administrator is authorized
240 to expend funds necessary for all reasonable direct expenses relating to
241 the administration and operation of said fund. As used in this section,
242 "data processing system" means the combined motor vehicle, criminal

243 and civil informational systems on pending and disposed cases.

244 (b) Any person or public agency seeking on line or dial up access to
 245 any data processing system operated and administered by the Office of
 246 the Chief Court Administrator, or seeking information stored in such
 247 data processing system in a format other than as provided by the
 248 Office of the Chief Court Administrator, may be required to pay to the
 249 Office of the Chief Court Administrator an amount, as established in a
 250 fee schedule determined by the Office of the Chief Court
 251 Administrator, for deposit by the Office of the Chief Court
 252 Administrator in a fund established in subsection (a) of this section.
 253 Such fee schedule may include reasonable charges for personal
 254 services, fringe benefits, supplies and any other expenses related to
 255 maintaining, improving and providing such data processing services
 256 including, but not limited to, program modifications, training
 257 expenses, central processor user time and the rental and maintenance
 258 of equipment.

259 (c) The Judicial Data Processing Revolving Fund shall be held
 260 separate and apart from all other moneys, funds and accounts. Any
 261 balance remaining in said fund at the end of any fiscal year shall be
 262 carried forward in the fund for the fiscal year next succeeding."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	52-258
Sec. 2	<i>July 1, 2009</i>	52-259
Sec. 3	<i>July 1, 2009</i>	52-259c
Sec. 4	<i>July 1, 2009</i>	52-356a(a)(1) and (2)
Sec. 5	<i>July 1, 2009</i>	52-361a(a)
Sec. 6	<i>July 1, 2009</i>	52-367a(b)
Sec. 7	<i>July 1, 2009</i>	52-367b(b)
Sec. 8	<i>July 1, 2009</i>	New section
Sec. 9	<i>July 1, 2009</i>	51-5b